

HOUSE No. 878

By Mr. Koutoujian of Waltham, petition of Peter J. Koutoujian and others relative to the certification of sexual assault nurse examiners and the collection of forensic evidence in cases of sexual assault and rape. The Judiciary.

The Commonwealth of Massachusetts

PETITION OF:

Peter J. Koutoujian	John W. Scibak
Susan C. Tucker	Anne M. Gobi
Gale D. Candaras	Susan C. Fargo
David Paul Linsky	Kathleen M. Teahan
Kay Khan	Mary E. Grant
Jennifer M. Callahan	James R. Miceli
Susan W. Pope	Karen E. Spilka
Frank I. Smizik	

In the Year Two Thousand and Five.

AN ACT REGARDING SEXUAL ASSAULT NURSE EXAMINERS AND FORENSIC EVIDENCE IN CASES OF SEXUAL ASSAULT AND RAPE.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

- 1 Chapter 111 of the General Laws, as appearing in the 2002
- 2 Official Edition, is hereby amended by inserting after section 218,
- 3 the following section:—
- 4 Section 219. Sexual Assault Nurse Examiner Training, Certifi-
- 5 cation and Services. (a) As used in this section, the following
- 6 words shall have the following meanings unless the context
- 7 clearly indicates otherwise: “Forensic exam” means the collection,
- 8 preservation and documentation of forensic evidence. “Forensic
- 9 evidence” means evidence collected during the physical examina-
- 10 tion of a patient after a sexual assault or rape including but not
- 11 limited to evidence collected through use of the standardized kit
- 12 for the collection and preservation of evidence in rape cases pur-

13 suant to section 97B of chapter 41, irrespective of whether the
14 sexual assault or rape was reported to law enforcement officials.

15 (b) The commissioner of public health shall establish a multi-
16 disciplinary advisory board to assist with the development of a
17 statewide program for the training and certification of sexual
18 assault nurse examiners to conduct comprehensive forensic exams
19 for the purpose of collection, preservation and documentation of
20 forensic evidence for use in civil or criminal proceedings. The
21 advisory board shall include, but not be limited to, a representa-
22 tive from the Executive Office of Public Safety, Jane Doe Inc., the
23 Office of the Attorney General, the Massachusetts Office for
24 Victim Assistance, the Disabled Persons Protection Commission,
25 the Massachusetts Nurses Association, the American Academy of
26 Pediatricians, the Massachusetts Children's Alliance, the Massa-
27 chusetts District Attorney's Association, the Department of Social
28 Services, the Massachusetts Medical Society, the Massachusetts
29 Hospital Association, the Massachusetts College of Emergency
30 Physicians, the Emergency Nurses Association, the Boston Police
31 Department Crime Laboratory and the State Police Crime Labora-
32 tory.

33 (c) The commissioner shall, in consultation with the advisory
34 board, establish requirements for certification and recertification
35 for sexual assault nurse examiners. An applicant for certification
36 at minimum shall be licensed to practice in Massachusetts as a
37 registered nurse or medical doctor; shall have successfully com-
38 pleted a department approved training program, a written exami-
39 nation, and a pelvic and sexual assault clinical preceptorship; and
40 shall satisfy all requirements that the commissioner may establish
41 for certification.

42 (d) The commissioner shall, in consultation with the advisory
43 board, establish specialized requirements for certification and
44 recertification for pediatric sexual assault nurse examiners to con-
45 duct forensic exams of patients under 12 years of age.

46 (e) The commissioner shall, in consultation with the advisory
47 board, establish uniform standards and protocols for certified
48 sexual assault nurse examiners and certified pediatric sexual
49 assault nurse examiners to use in conducting forensic exams.

50 (f) The department shall operate a statewide program to deliver
51 sexual assault nurse examiner services at designated sites

52 throughout the Commonwealth. The commissioner shall, in con-
53 sultation with the advisory board, establish guidelines for site des-
54 ignation.

55 (g) The department may enter into such agreements with hospi-
56 tals; other health, welfare and social service agencies; other gov-
57 ernment agencies; and not-for-profit organizations as are
58 necessary to carry out the purposes of this section.

59 (h) The department may make such rules and regulations as
60 may be necessary for implementation of the provisions of this
61 section.